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10/784,520	02/23/2004	Sonja Esther Berdahl	BERO-01	1514

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EXAMINER

D ADAMO, STEPHEN D

ART UNIT PAPER NUMBER

3636

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/784,520	Applicant(s) BERDAHL, SONJA ESTHER	
	Examiner Stephen D'Adamo	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 8/1/05
- 2a) ☒ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 29-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 29-39, 42-48, 50-53 and 56 is/are rejected.
- 7) ☒ Claim(s) 40, 41, 49, 54 and 55 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 35-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 35 recites “end connector element” which lacks antecedent basis. It is confusing and unclear as to which connector element the claim is referring to. Clarification is needed.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 29, 31, 33, 34 and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Caulder et al. (D300,475).

Caulder discloses a child harness comprising an elongated waist piece having a bottom edge and a top edge and including a first end portion with a first end and an opposite second end portion with a second end and a central portion therebetween. Figure 1 is labeled below for clarification. The first and second end portions are cooperatively fastened together to secure the waist piece around a torso of a user. The central portion

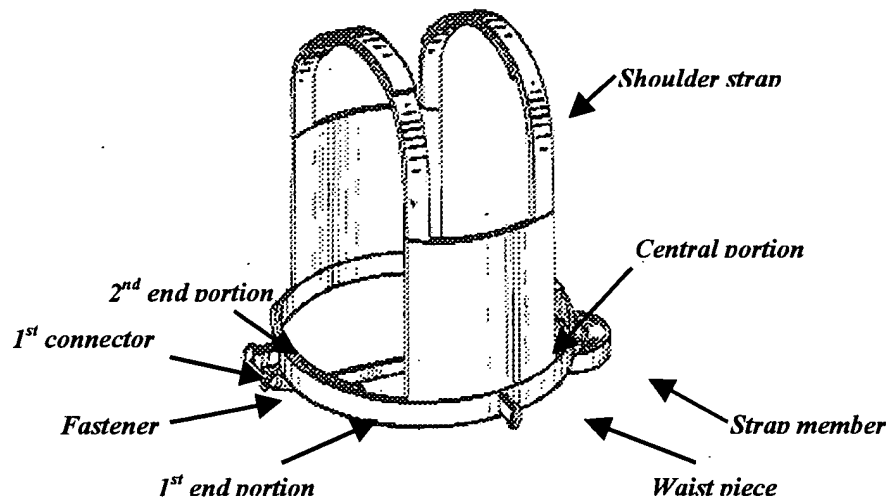
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confronts the chest of the user. The waist piece also includes a plurality of spaced apart first connector elements disposed thereon proximately the bottom edge thereof. Caulder also teaches of a first shoulder strap interconnecting the central portion and one of the waist piece, via the back portion. An elongated strap member has an adjustable effective length so as to define opposite strap member ends. The strap member includes a fastener at each end thereof. The fasteners are adapted to connect to the connector elements.

In regards to claim 31, the first connector elements include rings.

Regarding claim 33, there is a central first connector element located medially between the first and second ends and an end first connector element located on one of the first and second end portions.

Further regards to claim 34, there are an additional two connector elements located intermediate between the first end and the medial first connector and another locate between the second end and the medial first connector.



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Claims 29, 31, 42, 50 and 51 are rejected under 35 U.S.C. 102(b) as being anticipated by Caulder et al. (D300,474)

Caulder discloses a child harness comprising an elongated waist piece having a bottom edge and a top edge and including a first end portion with a first end and an opposite second end portion with a second end and a central portion therebetween. Figure 1 is labeled below for clarification. The first and second end portions are cooperatively fastened together to secure the waist piece around a torso of a user. The central portion confronts the chest of the user. The waist piece also includes a plurality of spaced apart first connector elements disposed thereon proximately the bottom edge thereof. Caulder also teaches of a first shoulder strap interconnecting the central portion and the waist piece. An elongated strap member has an adjustable effective length so as to define opposite strap member ends. The strap member includes a fastener at each end thereof. The fasteners are adapted to connect to the connector elements or to one another.

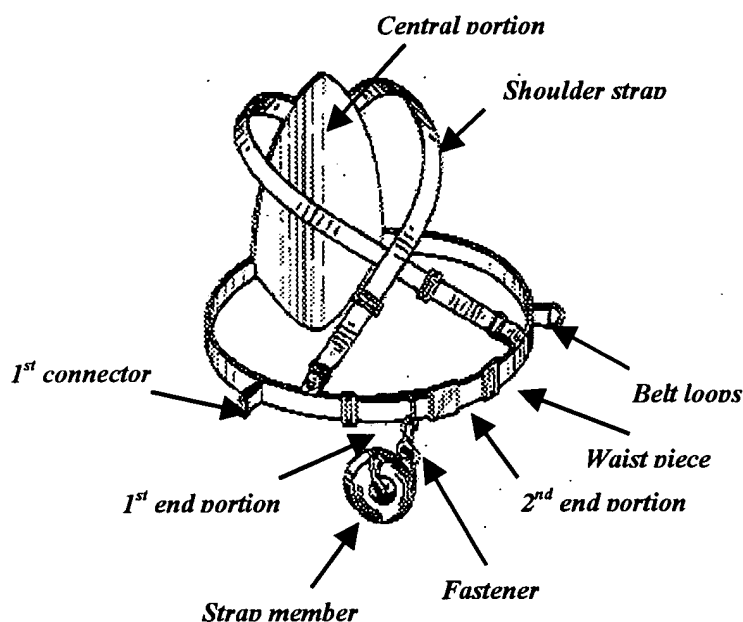
In regards to claim 31, the first connector elements include rings.

Regarding claim 50, Caulder discloses a child harness comprising an elongated waist piece having a bottom edge and a top edge and including a first end portion with a first end and an opposite second end portion with a second end and a central portion therebetween. Figure 1 is labeled below for clarification. The first and second end portions are cooperatively fastened together to secure the waist piece around a torso of a user. The central portion confronts the chest of the user. The waist piece also includes a plurality of spaced apart belt loops disposed thereon and including a plurality of first connector elements disposed thereon. Caulder also teaches of a first shoulder strap

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interconnecting the central portion and the waist piece. An elongated strap member has an adjustable effective length so as to define opposite strap member ends. The strap member includes a fastener at each end thereof and is sized and configured to removably engage with the belt loops, via the first connectors. The fasteners are adapted to connect to the connector elements or to one another.

Regarding claim 51, the first connector elements are disposed proximate the bottom edge of the waist piece.



### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Caulder et al. (D300,475) in view of Olaiz (5,927,235).

Caulder discloses a child harness comprising an elongated waist piece having a bottom edge and a top edge and including a first end portion with a first end and an opposite second end portion with a second end and a central portion therebetween. The first and second end portions are cooperatively fastened together to secure the waist piece around a torso of a user. The central portion confronts the chest of the user. The waist piece also includes a plurality of spaced apart first connector elements disposed thereon proximately the bottom edge thereof. Caulder also teaches of a first shoulder strap interconnecting the central portion and one of the waist piece, via the back portion. An elongated strap member has an adjustable effective length so as to define opposite strap member ends. The strap member includes a fastener at each end thereof. The fasteners are adapted to connect to the connector elements. However, Caulder fails to expressly disclose the two end portions being mated with hook and loop material. Yet, Olaiz teaches of a harness including a waist piece including a first end portion and a second end portion. The first end portion and second end portion are engaged and/or fastened with a hook and loop material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the fastening device of Caulder with hook and loop material for easier attachment and detachment of the belt to the user. Moreover, whether the belt ends include a buckle, Velcro, or other securing means is considered a matter of design choice since all of these fasteners are old and well known in the art.

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Regarding claim 32, Caulder discloses a snap hook but fails to expressly disclose a swivel snap hook. Yet, Olaiz teaches of a swivel snap hook 36. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the snap hook of Caulder with a swivel snap hook, as taught by Olaiz for providing easier movement of the hook and thus providing more comfort to the user. Further, whether the snap hook is rotational or fixed is considered a matter of design choice since both are old and well known in the art.

Claims 35, 36 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Caulder et al. (D300,475) in view of Greene (5,664,844).

Caulder discloses a child harness comprising an elongated waist piece having a bottom edge and a top edge and including a first end portion with a first end and an opposite second end portion with a second end and a central portion therebetween. The first and second end portions are cooperatively fastened together to secure the waist piece around a torso of a user. The central portion confronts the chest of the user. The waist piece also includes a plurality of spaced apart first connector elements disposed thereon proximately the bottom edge thereof. Caulder also teaches of a first shoulder strap interconnecting the central portion and one of the waist piece, via the back portion. An elongated strap member has an adjustable effective length so as to define opposite strap member ends. The strap member includes a fastener at each end thereof. The fasteners are adapted to connect to the connector elements. However, Caulder fails to expressly disclose an additional second connector located proximate the top edge of the waist piece, proximately to one of the first and second ends. Yet, Greene discloses a harness safety



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system comprising a waist piece 6 having a first end connector 14 on a first end 18 and a second connector 42 proximately to the second end 12. Greene teaches, "the harness 4 further comprises a tether retaining ring 42 for connection with a tether" (col.5, lines 17-18). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the waist piece of Caulder with a second connector 42, as taught by Greene, for providing an additional connection for a tether.

In regards to claim 36, once the Caulder waist piece is modified with the additional retaining ring on the top edge thereof, the "new" retaining ring would be located directly opposite the end connector since the end connector is located on the proximate bottom edge of the waist piece.

44-46 @ 10/20/05 -  
Claims 33, 34, 39, 43, 48, 52 and 56 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Caulder et al. (D300,474).

Caulder discloses a child harness comprising an elongated waist piece having a bottom edge and a top edge and including a first end portion with a first end and an opposite second end portion with a second end and a central portion therebetween. The first and second end portions are cooperatively fastened together to secure the waist piece around a torso of a user. The central portion confronts the chest of the user. The waist piece also includes a plurality of spaced apart first connector elements disposed thereon proximately the bottom edge thereof. Caulder also teaches of a first shoulder strap interconnecting the central portion and the waist piece. An elongated strap member has an adjustable effective length so as to define opposite strap member ends. The strap member includes a fastener at each end thereof. The fasteners are adapted to connect to the connector

elements or to one another. However, Caulder fails to expressly disclose the specific location of the first connector elements. Yet, it would have been obvious to one having ordinary skill in the art at the time the invention was made to place the first connector elements anywhere along the waist piece, since it has been held that rearranging parts of an invention involves only routine skill in the art. Furthermore, the location of the first connector along the waist piece is considered a matter of engineering design choice since applicant has not disclosed that the exact location of the first connectors solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with the first connectors positioned anywhere the user or manufacturer desires.

In regard to claims 39, 48 and 56, the pair of shoulder straps interconnect the central portion with the first and second end portions.

Regarding claim 43, as stated for the rejection of claim 29, Caulder teaches of all the elements. However, Caulder fails to expressly disclose the width of the waist piece being one half of the central portion width. Yet, since the applicant's specification does not state that the width of the waist piece is one-half the width of the central portion, as claimed, solves any particular problem or produces any unexpected result, whether the waist piece member is less than or greater than one-half the width of the central portion is merely a matter of engineering design choice, and thus does not serve to patentably distinguish the claimed invention over the prior art.

Furthermore, regarding claim 44, the first connector elements are disposed on the waist piece proximately the bottom edge thereof.

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Moreover, regarding claims 45 and 46, the same rejection is applied as cited for claims 33 and 34 above.

Claims 30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Caulder et al. (D300,474) in view of Olaiz (5,927,235).

Caulder discloses a child harness comprising an elongated waist piece having a bottom edge and a top edge and including a first end portion with a first end and an opposite second end portion with a second end and a central portion therebetween. The first and second end portions are cooperatively fastened together to secure the waist piece around a torso of a user. The central portion confronts the chest of the user. The waist piece also includes a plurality of spaced apart first connector elements disposed thereon proximately the bottom edge thereof. Caulder also teaches of a first shoulder strap interconnecting the central portion and the waist piece. An elongated strap member has an adjustable effective length so as to define opposite strap member ends. The strap member includes a fastener at each end thereof. The fasteners are adapted to connect to the connector elements or to one another. However, Caulder fails to expressly disclose the two end portions being mated with hook and loop material. Yet, Olaiz teaches of a harness including a waist piece including a first end portion and a second end portion. The first end portion and second end portion are engaged and/or fastened with a hook and loop material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the fastening device of Caulder with hook and loop material for easier attachment and detachment of the belt to the user. Moreover, whether

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the belt ends include a buckle, Velcro, or other securing means is considered a matter of design choice since all of these fasteners are old and well known in the art.

Regarding claim 32, Caulder discloses a snap hook but fails to expressly disclose a swivel snap hook. Yet, Olaiz teaches of a swivel snap hook 36. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the snap hook of Caulder with a swivel snap hook, as taught by Olaiz for providing easier movement of the hook and thus providing more comfort to the user.

Further, whether the snap hook is rotational or fixed is considered a matter of design choice since both are old and well known in the art.

Claims 35-38, 47 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Caulder et al. (D300,474) in view of Greene (5,664,844).

Caulder discloses a child harness comprising an elongated waist piece having a bottom edge and a top edge and including a first end portion with a first end and an opposite second end portion with a second end and a central portion therebetween. The first and second end portions are cooperatively fastened together to secure the waist piece around a torso of a user. The central portion confronts the chest of the user. The waist piece also includes a plurality of spaced apart first connector elements disposed thereon proximately the bottom edge thereof. Caulder also teaches of a first shoulder strap interconnecting the central portion and the waist piece. An elongated strap member has an adjustable effective length so as to define opposite strap member ends. The strap member includes a fastener at each end thereof. The fasteners are adapted to connect to the connector elements or to one another. However, Caulder fails to expressly disclose an additional

second connector located proximate the top edge of the waist piece, proximately to one of the first and second ends. Yet, Greene discloses a harness safety system comprising a waist piece 6 having a first end connector 14 on a first end 18 and a second connector 42 proximately to the second end 12. Greene teaches, "the harness 4 further comprises a tether retaining ring 42 for connection with a tether" (col.5, lines 17-18). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the waist piece of Caulder with a second connector 42, as taught by Greene, for providing an additional connection for a tether.

In regards to claim 36, once the Caulder waist piece is modified with the additional retaining ring on the top edge thereof, the "new" retaining ring would be located directly opposite the end connector since the end connector is located on the proximate bottom edge of the waist piece.

Regarding claim 37, the first and second connector elements are arranged so that a central connection can be in the medial part of the waist piece, which is located in front of the user and the end connector element and second connector element are located in the back of the user and the intermediate elements are located at opposite sides of the user. The location and duplication of the connector elements along the waist piece is considered a matter of engineering design choice since it is old and well known in the art to use connectors along any portion of the waist piece.

*Allowable Subject Matter*

3. Claims 40, 41, 49, 54 and 55 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Response to Arguments*

4. Applicant's arguments with respect to claims 29-56 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Freemon (4,308,629) show various features of the claimed invention.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen D'Adamo whose telephone number is 571-272-6857. The examiner can normally be reached on Monday-Friday 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pete Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SD  
sd  
October 19, 2005

  
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Technology Center 3600